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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,902	10/04/2000	David M. Modest	6208-9	7225

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EXAMINER

VIG, NARESH

ART UNIT PAPER NUMBER

3629

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,902

Applicant(s)

MODEST, DAVID M.

Examiner

Naresh Vig

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-21 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8-21 and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

This is in reference to response received on 22 November 2004 to the office action mailed on 19 May 2004. There are 28 claims, claims 1 – 4, 8 – 21 and 25 – 34 pending for examination.

Response to Arguments

Applicant's arguments with respect to claims 1 – 4, 8 – 21 and 25 – 34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1 – 4, 8 – 12, 14 – 21, 25 – 29 and 31 – 34 rejected under 35

U.S.C. 103(a) as being unpatentable over NewVision Hypersystems, Inc. hereinafter known as NeoVision in view of Marshall US Patent 5,774,878 and Federal Reserve Bank hereinafter known as FRB.

Regarding claims 1 and 18, NeoVision teaches system and method for displaying the status of a financial indicator [page 19], said financial indicator representing financial activity in a particular region [page 19 (exchange)], said financial indicator including a plurality of sectors and each of said sectors including a plurality of financial instruments. NeoVision does not teach using a geographic orientation. However, Marshall teaches using geographic orientation [Fig. 3b and disclosure associated with Fig. 3b].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify NeoVision as taught by Marshall to display hybrid of financial information and market geography representing a virtual financial world to enable a user to easily extract patterns and interconnections.

NeoVision in view of Marshall teaches:

displaying a map, said map including said geographic region [Fig. 3b and disclosure associated with Fig. 3b].; and

simultaneously displaying on said geographic region of said map a visual indicator that represents the status of said financial indicator, each of said sectors and each of said financial instruments (utilities, oil, trading, leisure), wherein each of said plurality of sectors has a size and weighting in the financial indicator, wherein said size

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of said plurality of sectors is proportional to said weighting of each of said plurality of sectors, respectively.

NeoVision in view of Marshall does not teach displaying data on geographic map. However, FRB teaches displaying data on geographic map.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify NeoVision in view of Marshall as taught by FRB to enable a user to easily extract patterns and interconnections.

Regarding claims 2 and 19, NeoVision in view of Marshall and FRB teaches status of said financial indicator includes a percentage change in the value of said financial indicator at a point in time [NeoVision, page 3].

Regarding claims 3 and 20, NeoVision in view of Marshall and FRB teaches status of said financial indicator is continuously updated (realtime update) [NeoVision, page 3].

Regarding claims 4 and 21, NeoVision in view of Marshall and FRB teaches financial indicator is an index (field of use) [NeoVision, page 3 – 5].

Regarding claims 8 and 25, NeoVision in view of Marshall and FRB teaches visual indicator is a first color if said percentage change in the value of said financial indicator is in a first direction and said visual indicator is a second color if said

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percentage change in the value of said financial indicator is in a second direction

[NeoVision, page 3].

Regarding claims 9 and 26, NeoVision in view of Marshall and FRB teaches first direction is positive and said second direction is negative [NeoVision, page 3].

Regarding claims 10 and 27, NeoVision in view of Marshall and FRB teaches visual indicator is a third color if the value of said financial indicator is unchanged [NeoVision, page 8].

Regarding claims 11 and 28, NeoVision in view of Marshall and FRB teaches first color has a plurality of shades wherein each of said plurality of shades of said first color is associated with a particular percentage change in the value of said financial indicator in said first direction and said second color has a plurality of shades wherein each of said plurality of shades of said second color is associated with a particular percentage change in the value of said financial indicator in said second direction [NewVision, page 8]. NeoVision in view of Marshall and FRB teaches teaches:

displaying one of said plurality of shades of said first color associated with said percentage change of said financial indicator on said geographic region if said percentage change in the value of said financial indicator is in said first direction [NeoVision page 3 – 8]; and

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displaying one of said plurality of shades of said second color associated with said percentage change of said financial indicator on said geographic region if said percentage change in the value of said financial indicator is in said second direction [NeoVision, page 3 – 8].

Regarding claims 12 and 29, NeoVision in view of Marshall and FRB teaches map includes a second geographic region and a second financial indicator representing financial activity in said second geographic region, said second financial indicator including a plurality of sectors that each include a plurality of financial instruments that comprise said second financial indicator [Marshall, Fig. 3a and disclosure associated with Fig. 3a]. NeoVision in view of Marshall and FRB teaches teaches:

displaying on said second geographic region a visual indicator that represents the relative status of said second financial indicator to said financial indicator, said plurality of sectors included in said financial indicator to said plurality of sectors included in said second financial indicator and said plurality of financial instruments included in said plurality of sectors included in said financial indicator to said plurality of financial instruments included in said plurality of sectors included in said second financial instrument, wherein each of said plurality of sectors included in said second financial indicator has a size and a weighting in said second financial indicator, wherein said size of each of said plurality or sectors included in said financial indicator is proportional to said weighting in said second financial indicator, respectively [NeoVision, page 3 – 8, Marshall Fig. 3a and disclosure with Fig. 3a, FRB).

Regarding claims 14 and 31, NeoVision in view of Marshall and FRB teaches displaying economic data relating to said geographic region.

Regarding claims 15 and 32, NeoVision in view of Marshall and FRB teaches visual indicator is a number (design choice to elect format for data presentation).

Regarding claims 16 and 33, NeoVision in view of Marshall and FRB teaches visual indicator is a number (design choice to elect format for data presentation)..

Regarding claims 17 and 34, NeoVision in view of Marshall and FRB teaches visual indicator is a number (design choice to elect format for data presentation).

Claims 1 – 4, 8 – 12, 14 – 21, 25 – 29 and 31 – 34 rejected under 35 U.S.C. 103(a) as being unpatentable over NewVision Hypersystems, Inc. hereinafter known as NeoVision in view of Marshall US Patent 5,774,878 and Federal Reserve Bank hereinafter known as FRB and SmartMoney.com hereinafter known as SmartMoney.

Regarding claims 13 and 30, in the application originally filed 04 October 2000, applicant recites For example, SmartMoney provides a heatmap in which cells representing stocks are grouped by sectors, such as technology and health care. Within the technology sector, for instance, a cell representing Intel shares is color-coded and shaded according to its performance at that time and the size of the Intel cell indicates its market capitalization relative to other stocks in the technology sector [specification, page 3, lines 3 – 8]. NeoVision in view of Marshall and FRB teaches geographic region on said map and said second geographic region on said map have financial indicator and said second financial indicator each have a market capitalization (design choice to decide the contents of a data field, indicator etc.).

NeoVision in view of Marshall and FRB does not teach size of said geographic region and said size of said second geographic region is proportional to said market capitalization of said financial indicator and said second financial indicator. However, SmartMoney teaches system and method wherein said size of said geographic region and said size of said second geographic region is proportional to said market capitalization of said financial indicator and said second financial indicator, respectively [SmartMoney, applicants disclosure about SmartMoney].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify NeoVision in view of Marshall and FRB as taught by SmartMoney to enable a user to easily extract patterns and interconnections

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig
Patent Examiner
April 19, 2005